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69603

7590

12/21/2010

MOORE & VAN ALLEN, PLLC FOR BOFA
430 DAVIS DRIVE, SUITE 500
POST OFFICE BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

EXAMINER

SHAikh, MOHAMMAD Z.

ART UNIT

PAPER NUMBER

3694

DATE MAILED: 12/21/2010

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,290	04/14/2004	C. Todd Prainger	1606US1.014033.123	6053

TITLE OF INVENTION: METHOD AND SYSTEM FOR PUSHING CREDIT PAYMENTS AS BUYER INITIATED TRANSACTIONS

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$755	\$300	\$0	\$1055	03/21/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN **THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE** OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

696/3 7590 12/21/2010
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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop [ISSUE FEE] address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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nonprovisional	YES	\$755	\$300	\$0	\$1055	03/21/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
SHAIKH, MOHAMMAD Z	3694	705-039000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a **Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 _____
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 _____
 3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. **Change in Entity Status** (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____ Date _____
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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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696/3	7590	12/21/2010	EXAMINER	
MOORE & VAN ALLEN, PLLC FOR BOFA 430 DAVIS DRIVE, SUITE 500 POST OFFICE BOX 13706 RESEARCH TRIANGLE PARK, NC 27709			SHAikh, MOHAMMAD Z.	
			ART UNIT	PAPER NUMBER
			3694	

DATE MAILED: 12/21/2010

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 816 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 816 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability**Application No.**

10/824,290

Examiner

MOHAMMAD Z. SHAIKH

Applicant(s)

PRAISNER, C. TODD

Art Unit

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 11/03/10.
2. ☒ The allowed claim(s) is/are 1-9.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
(a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
(b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.

/Ella Colbert/
Primary Examiner, Art Unit 3694

DETAILED ACTION

1. Claims 1-9 are allowed.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.
3. Authorization for this examiner's amendment was given in a telephone interview with attorney Brian Drozd on 12/14/10.

The application has been amended as follows:

Listing of Claims:

1. (Currently Amended) A method for pushing credit payments as buyer-initiated transactions, comprising:
 - allowing a buyer to initiate a credit payment as a buyer-initiated transaction comprising:
 - allowing the buyer to determine payment instructions for an accounts payable, the accounts payable representing a purchase made by the buyer from a merchant;
 - allowing the buyer to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer;
 - ~~receiving communicating~~ electronically, from a computer of the buyer, the payment instructions of the buyer initiated transaction to the acquirer as a transaction;

generating the transaction based upon the payment instructions, the transaction representing the buyer-initiated payment; and settling the transaction from the acquirer to the merchant.

2. (Previously Presented) The method of claim 1, further comprising utilizing merchant profiles to determine whether the payment instructions should include a credit payment or a debit payment, wherein the generating of the transaction takes place where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment.

3. (Previously Presented) A system for pushing credit payments as buyer initiated transactions, comprising:

a purchasing management system associated with a buyer to initiate a credit payment as a buyer-initiated transaction, the buyer having an accounts payable with a merchant and the buyer having an account at an issuing bank;

an acquirer computer system configured to receive electronically payment instructions directly from the purchasing management system as transaction, the buyer being able to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer;

wherein the acquirer computer system is further configured to generate the transaction based upon the payment instructions, the transaction representing the buyer initiated payment; and

wherein the acquirer computer system is further configured to settle the

transaction by the acquirer computer system making payment to the merchant and working with a card processor and the issuing bank to receive funds from the account of the buyer at the issuing bank.

4. (Previously Presented) The system of claim 3, wherein the purchasing management system is configured to utilize merchant profiles to determine whether the payment instructions should include a credit payment or a debit payment, such that the transaction is generated where the payment instructions include a credit payment and such that funds are electronically transferred from the buyer to the acquirer where the payment instructions include a debit payment.

5. (Previously Presented) Apparatus for pushing credit payments as buyer initiated transactions, comprising:

means for allowing a buyer to initiate a credit payment as a buyer-initiated transaction comprising:

means for allowing the buyer to determine payment instructions for an accounts payable, the accounts payable representing a purchase made by a the buyer from a merchant;

means for allowing the buyer to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer;

means for communicating electronically, from the buyer, the payment instructions of the buyer-initiated transaction to an the acquirer as a transaction;

means for generating the transaction based upon the payment instructions, the transaction representing the buyer initiated payment; and

settling the transaction from the acquirer to the merchant.

6. (Previously Presented) The apparatus of claim 5, further comprising means for utilizing merchant profiles to determine whether the payment instructions should include a credit payment or a debit payment, wherein the generating step is used where the payment instructions include a credit payment and wherein a separate step is used of electronically transferring funds from the buyer to the acquirer where the payment instructions include a debit payment.

7. (Previously Presented) The method of claim 1, wherein the acquirer comprises an entity that buys credit card receipts from merchants.

8. (Previously Presented) The system of claim 3, wherein the acquirer computer system being associated with an entity that buys credit card receipts from merchants.

9. (Previously Presented) The apparatus of claim 5, wherein the acquirer comprises an entity that buys credit card receipts from merchants.

REASONS FOR ALLOWANCE

The prior art of record neither anticipates or renders obvious the claimed subject matter of the instant application as a whole either taken alone or in combination, in particular, prior art of record does not disclose, "allowing the buyer to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer; receiving electronically, from a computer of the buyer, the payment instructions of the buyer-initiated transaction to the acquirer as a transaction"

Independent claim 1 discloses:

1. (Currently Amended) A method for pushing credit payments as buyer-initiated transactions, comprising:

allowing a buyer to initiate a credit payment as a buyer-initiated transaction comprising:

allowing the buyer to determine payment instructions for an accounts payable, the accounts payable representing a purchase made by the buyer from a merchant;

allowing the buyer to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer;

~~receiving communicating~~ electronically, from ~~a computer of~~ the buyer, the payment instructions of the buyer initiated transaction to the acquirer as a transaction;

generating the transaction based upon the payment instructions, the transaction representing the buyer-initiated payment; and settling the transaction from the acquirer to the merchant.

Independent claim 3 discloses:

3. (Previously Presented) A system for pushing credit payments as buyer initiated transactions, comprising:

a purchasing management system associated with a buyer to initiate a credit payment as a buyer-initiated transaction, the buyer having an accounts payable with a merchant and the buyer having an account at an issuing bank;

an acquirer computer system configured to receive electronically payment instructions directly from the purchasing management system as transaction, the buyer being able to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer;

wherein the acquirer computer system is further configured to generate the transaction based upon the payment instructions, the transaction representing the buyer initiated payment; and

wherein the acquirer computer system is further configured to settle the transaction by the acquirer computer system making payment to the merchant and working with a card processor and the issuing bank to receive funds from the account of the buyer at the issuing bank.

Independent claim 5 discloses:

5. (Previously Presented) Apparatus for pushing credit payments as buyer initiated transactions, comprising:

means for allowing a buyer to initiate a credit payment as a buyer-initiated transaction comprising:

means for allowing the buyer to determine payment instructions for an accounts payable, the accounts payable representing a purchase made by a the buyer from a merchant;

means for allowing the buyer to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer;

means for communicating electronically, from the buyer, the payment instructions of the buyer-initiated transaction to an the acquirer as a transaction;

means for generating the transaction based upon the payment instructions, the transaction representing the buyer initiated payment; and

settling the transaction from the acquirer to the merchant.

The closest prior art of record, "Credit Card Alternatives Proposed for Online Payments": Bank Technology News, v 14, n5, p33, May 1, 2000, discloses, "a method for pushing credit payments as a buyer-initiated transactions, comprising: allowing a buyer to initiate a credit payment as a buyer-initiated transaction comprising: allowing the buyer to determine payment instructions for an accounts payable, the accounts

payable representing a purchase made by the buyer from a merchant; generating the transaction based upon the payment instructions, the transaction representing the buyer-initiated payment; and settling the transaction from the acquirer to the merchant" (page 3).

Claims 1-9 are allowed because "Credit Card Alternatives Proposed for Online Payments": Bank Technology News, v 14, n5, p33, May 1, 2000, does not disclose, "allowing the buyer to select an acquirer that participates in the transaction, such that the buyer is allowed to send the payment instructions directly to the acquirer; receiving electronically, from a computer of the buyer, the payment instructions of the buyer-initiated transaction to the acquirer as a transaction"

CONCLUSION

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee, and to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled, "Comments on Statement for Reasons for Allowance".

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MOHAMMAD Z. SHAIKH whose telephone number is (571)270-3444. The examiner can normally be reached on Monday-Friday (9:30-6:00); alt Fridays.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jim Tramell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

12/18/2010
/M. Z. S./
Examiner, Art Unit 3694
/Ella Colbert/
Primary Examiner, Art Unit 3694

Mohammad Z Shaikh
Examiner
Art Unit 3694